

*gwr*ORDINANCE NO. 2009 - 03 - 02

WHEREAS, periodically, the county "batches" minor amendments to the Clark County Code to correct scrivener's errors, clarify standards and codify interpretations of code language brought about by management decisions, hearings examiner or Board of Clark County Commissioners actions;

WHEREAS, the required sixty day notification of intent to adopt this set of "Bi-annual Code Amendments was received by the State Department of Community, Trade and Economic Development (CTED) on November 4, 2008;

WHEREAS, a SEPA determination of non-significance was published on November 10, 2008, and the comments received were considered;

WHEREAS, legal notice of the Clark County Planning Commission public hearing was published on December 31, 2008;

WHEREAS, the Planning Commission took public testimony on January 15, 2009, and developed their recommendation to the Board of County Commissioners;

WHEREAS, a legal notice of the Board of County Commissioner's public hearing was published on February 9, 2009;

WHEREAS, the Board of County Commissioners took public testimony on February 24, 2009, on the planning commission recommendation;

WHEREAS, the Board of County Commissioners agreed with planning staff's request to remove items numbered 6 and 24 of the draft Attachment "A";

WHEREAS, the Board of County Commissioners voted to remove items numbered 1 and 8 of the draft Attachment "A";

WHEREAS, the Board of County Commissioners approved item number 2, with the condition that planning staff amend the language to clarify the status of Minor Road Modification requests as administrative, design, or some combination thereof, and to clarify that such Minor Road Modifications may be submitted prior to an associated land use application;

WHEREAS, the Board of County Commissioners voted to simplify language in item 3;

WHEREAS, the Board of County Commissioners voted to approve "Alternative 2" in regards to item number 22 of the draft Attachment "A";



WHEREAS, the Board of County Commissioners finds these amendments in the public interest;

BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COMMISSIONERS, CLARK COUNTY, STATE OF WASHINGTON AS FOLLOWS:

Section 1. Amendatory.

Revisions to the Clark County Code contained in Attachment "A" enclosed herewith are hereby adopted.

Section 2. Effective Date.

This ordinance shall take effect at midnight on the date of its adoption; or as soon as computer programming allows.

Section 3. Instructions to Clerk.

The Clerk of the board shall:

- 1) Transmit a copy of this ordinance to the Washington State Department of Community Trade and Economic Development within ten (10) days of its adoption, pursuant to RCW 36.70A.106;
- 2) Record a copy of this Ordinance with the Clark County Auditor;
- 3) Cause notice of adoption of this ordinance to be published forthwith, pursuant to RCW 36.70A.290; and
- 4) Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith to update the electronic version of the Clark County Code.

ADOPTED this 17 day of March, 2009.

Attest:

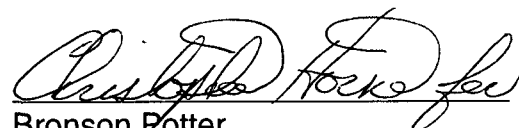
BOARD OF COMMISSIONERS
FOR CLARK COUNTY


Deputy Clerk to the Board

By: 
Marc Boldt, Chair

Approved as to form only:
ARTHUR D. CURTIS,
Prosecuting Attorney

By: _____
Steve Stuart, Commissioner


Bronson Potter,
Chief Civil Deputy

By: _____
Tom Mielke, Commissioner

Fall 2008

Bi-Annual Code Amendments

Final Attachment "A"

1. Amend Table 6.110A.010 and create a new fee table for Community Planning

Table 6.110A.010 is modified as follows

Section	Activity	Fee
1	Appeals	
A	Appeals to Hearings Examiner	1166
B	Appeals to Board of Commissioners	303
2	Planning Fees	
A	Archaeological	
I	Predetermination	
	Base fee	583
	Fee per acre over 5 acres	71
II	Study review	409
III	Predetermination review	115
B	Annual Reviews Initiated by Property Owners	8,113
	(fee includes rezones in conjunction with annual review)	
BC	Boundary Line Adjustments or Lot Reconfiguration ¹	
I	Base fee	81
II	Fee per adjustment over 2	12
CD	Columbia River Gorge	507

(re-letter D through AF)

Create a fee for the new minor road modification process in Table 6.110A.010.

Section	Activity	Fee
3 F	Road Modification – Transportation	
I	Design modification Type I or II – Prior to final decision; Type III – prior to public hearing	1,593
II	Design modification (Type I or II) – After final decision (in addition to post-decision review fee)	1,997

	III	Design modification (Type III) – After public hearing or final decision (in addition to post-decision review fee)	3,580
	IV	Minor road modification (Type I)	250

Create a new fee table for Community Planning

6.110A.015 Community Planning review fees. Fees for those plan review activities included in Table 6.110.015 shall be collected prior to processing the application:

<u>Section</u>	<u>Activity</u>	<u>Fee</u>
<u>1</u>	<u>Pre-application conference</u>	<u>1,166</u>
<u>2</u>	<u>Annual Reviews Initiated by Property Owners</u> <u>(fee includes rezones in conjunction with annual review)</u>	<u>8,113</u>

2. Establish new fee table for animal control

Chapter 6.150

Animal Fees

6.150.20 Fees Payable

6.150.30 Fees

6.150.20 Dog and Cat license – Requirement

All dogs and cats over eight (8) weeks of age harbored, kept or maintained within the county shall be registered within the county with the animal protection and control department at all times.

6.150.30 Dog and Cat license Fees

Table 6.150.030 Dog and Cat License Fees

<u>License Requirement</u>	<u>Fee</u>
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1	<u>Dog – unaltered</u>	<u>\$40</u>
2	<u>Dog – spayed or neutered</u>	<u>16</u>
3		
4	<u>Cat – unaltered</u>	<u>20</u>
5	<u>Cat – spayed or neutered</u>	<u>10</u>
6		
7	<u>Wild animal license</u>	<u>100</u>
8	<u>Dangerous dog license</u>	<u>300</u>
9	<u>Renewal</u>	<u>100</u>
10		
11		
12	<u>Kennel</u>	<u>150</u>
13	<u>Grooming parlor</u>	<u>75</u>
14	<u>Pet shop</u>	<u>100</u>
15	<u>Training facility</u>	<u>50</u>
16	<u>Combination facility</u>	<u>200</u>
17	<u>Animal shelter</u>	<u>75</u>
18	<u>All other facilities</u>	<u>75</u>
19	<u>Late penalty fee</u>	<u>½ applicable amount</u>
20		
21	<u>Transfer fee</u>	<u>25</u>
22		

3. Add, delete, and refine definitions in Title 8, Animals

8.01.020 Definitions.

As used in this title:

- (1) “Adult dog” means any dog having a set of permanent canine teeth, or past the age of six (6) months.
- (2) “Advisory board” means the animal protection and control advisory board created by Section 8.01.030.
- (3) “Agent” means any public or private establishment authorized by Clark County animal control to issue pet licenses.
- (4) “Animal” excluding livestock, means any member of the classes reptile, bird or mammal, except man.
- (5) “Animal control department” means the Clark County animal protection and control department created by Section 8.01.040 to administer and enforce the provisions of this title and the laws of the state of Washington as they pertain to animal control and welfare. The term shall include such department’s duly authorized officers, employees and agents.
- (6) “Animal control officer” means any employee of the animal control department, and deputized by the Clark County sheriff for the limited purpose of enforcing this title and the laws of the state of Washington as they pertain to animal control and welfare.
- (7) “Animal shelter” means a facility which is used to house or contain stray, homeless, abandoned or unwanted animals, and which is owned, operated or maintained by a public body, an established humane society, animal welfare

society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

(8) "Board" means the board of county commissioners of Clark County.

(9) "County" means the unincorporated area of Clark County, Washington.

(10) "Dog rescue organization" – a dog rescue organization is an individual or group of individuals that house up to five (5) adult dogs to provide food, shelter, care, and possibly training until a permanent home is found. Rescue organizations are registered and approved through the SW WA Humane Society.

(re-number subsequent definitions)

~~(13)~~ (14) "Grooming parlor" means any establishment where animals are bathed, clipped or combed for a valuable consideration for the purpose of enhancing their aesthetic value.

~~(14) "Hobby registration" means any premises where four (4) or more, but less than ten (10) adult dogs are kept for any purpose; PROVIDED, that the terms shall not include animal hospitals, where dogs are kept for treatment by licensed veterinarians, and animal facilities; and PROVIDED FURTHER, that if offspring are sold to commercial outlets, or for research or experimental purposes, the premises shall be deemed a kennel facility.~~

(15) "Hybrid Animal" is a cross between a wild animal and domestic or subspecies animal. For the purpose of this chapter, a hybrid animal that cannot be vaccinated for rabies by a licensed veterinarian in the state of Washington will be considered a wild animal.

~~(30)~~ (31) "Wild animal" means any animal, except livestock and domesticated animals, which due to its size, habits, natural propensities, training or instinct presents a danger or potential danger to human beings, animals or property.

Also means any living veterate animal normally found in the wild state and for which there is no FDA approved anti-rabies vaccination.

4. Revise transportation charges for impounding animals

8.03.020 Transportation charge.

In the event that the sheriff of Clark County or an animal control officer shall impound any livestock, including cattle, horses, mares, swine, goats, sheep, mules or asses, pursuant to Chapter 16.24 RCW and Section 8.03.010, said animal shall not be released to the owner thereof at the sale conducted pursuant to RCW 16.24.070 until ~~there is paid to Clark County a transportation fee of fifty dollars (\$50) per animal.~~ Clark County is reimbursed for the actual costs of transportation.

1 ~~Should the actual transportation costs be greater than those set forth in the~~
2 ~~above schedule, the Actual costs shall be assessed with a minimum charge of~~
3 ~~fifty dollars (\$50). This fee shall be considered as a portion of the expense~~
4 ~~allowable by RCW 16.24.070 and not as payment in lieu of other costs allowable~~
5 ~~by statute.~~

6
7
8 **5. Reference new animal fees table and revise language regarding**
9 **assistance dogs**

10
11 **8.07.040 Dog license—Fees.**

12 The annual fee for licenses issued or renewed ~~hereunder shall be forty dollars~~
13 ~~(\$40); as outlined in Section 6.150.030; PROVIDED, that:~~

14 (1) If a certificate from a veterinarian, or if such is unavailable, a statement from
15 the owner under oath, is presented certifying that the dog for which a license
16 application is made is either a spayed female or a neutered male, the dog license
17 fee shall be ~~sixteen dollars (\$16). As outlined in Section 6.150.030.~~

18 (2) No license fee shall be charged to an owner who is legally blind and who
19 uses such dog as a guide dog, or to an owner who is legally deaf and who uses
20 such dog as a hearing-ear dog, upon presentation of proof that such dogs have
21 been properly trained by an accredited seeing-eye/hearing-ear dog training
22 facility. A license fee shall be waived, when requested, for a therapy/service
23 animal, when the animal provides a service to the owner and meets the definition
24 of a service animal consistent with ADA, WAC and RCW.

25 (3) A senior citizen who is over the age of sixty-five (65) may register not more
26 than one (1) spayed female or neutered male dog per household at one-half (1/2)
27 the fee otherwise applicable.

28 (4) There shall be added to license fees any civil penalties assessed against
29 the owners pursuant to Chapter 8.19 which are due and owing but not paid.

30 ~~(5) A late penalty of two dollars (\$2) will be charged for all license applications~~
31 ~~not received in a timely manner as provided for in Section 8.07.010.~~

32 (6) The board may provide for optional registration of dogs by veterinarians or
33 other suitable parties, in which case an "agent's fee" not to exceed one dollar and
34 fifty cents (\$1.50) may be added to the licensing fee.

35 (7) No license fee shall be charged to an owner licensing a dog that is under
36 the age of six (6) months. In such cases, the license shall be valid up to the time
37 the dog becomes six (6) months of age. No certificate of rabies vaccination will
38 be required for such early licensing.

39 (8) (Reserved for Future Use)

40 (9) License fees may be prepaid for a three (3) year period if such period
41 coincides with the vaccination required by Section 8.07.030.

42
43
44 **6. Clarify that additional permits may be required for keeping animals**

45
46 **8.07.100 Facility licenses—Requirement.**

1 It is unlawful for any person to own, maintain or operate a facility as defined in
2 Section 8.01.020 unless such person has obtained the applicable license as
3 provided hereinafter, in addition to any permits required by zoning ordinances. If
4 there is a change in the ownership of any such facility, the new owner shall have
5 the license transferred to his name upon receipt of a new updated application
6 and payment of a twenty-five dollar (\$25) transfer fee.

7
8
9 **7. Change old fee references to new table**

10
11 **8.07.120 Facility licenses—Fees and late penalties.**

12 The application for a facility license shall be ~~accompanied by a fee as follows:~~ as
13 outlined in Section 6.150.030

14

Kennel	\$150.00
Grooming parlor	—75.00
Pet shop	—100.00
Training facility	—50.00
Combination facility (any combination of the above) not to exceed a total of	—200.00
Animal shelter	—75.00
All other facilities	—75.00
Late penalty fee — 1/2 the applicable amount.	
Transfer fee	—25.00

15
16 **8.07.220 Cat license—Fees.**

17 The annual fee for cat licenses issued or renewed hereunder is ~~ten dollars (\$10)~~
18 ~~for a spayed or neutered cat and twenty dollars (\$20) for a fertile cat~~ as outlined
19 in Section 6.150.030 PROVIDED, that:

20 (1) A senior citizen who is over the age of sixty-five (65) may register not more
21 than one (1) spayed female or neutered male cat per household at one-half (1/2)
22 the fee otherwise applicable;

23 (2) There shall be added to the license fee any civil penalties assessed against
24 the owners pursuant to Chapter 8.19 which are due and owing but not paid;

25 ~~(3) A late penalty of two dollars (\$2) will be charged for all license applications~~
26 ~~not received in a timely manner as provided for in Section 8.07.200;~~

27 (4) The board may provide for optional registration of cats by veterinarians or
28 other suitable parties, in which case an “agent’s fee” not to exceed one dollar and
29 fifty cents (\$1.50) shall be added to the licensing fee;

30 (5) License fees may be prepaid for a three (3) year period, if such period
31 coincides with the vaccination required by Section 8.07.210;

32
33 **8.07.300 Wild animal license.**

1 It is unlawful for any person to bring into the county, or to keep or harbor within
2 the county, any wild animal as defined in Section 8.01.020 unless a license to do
3 so shall have been first obtained from the animal control department. Wild animal
4 license applications shall contain a description of the place where the wild animal
5 or animals are to be temporarily or permanently quartered. If it appears from an
6 inspection by the animal control department that such quarters are of a size large
7 enough to comfortably contain the animals and are sufficiently secure that the
8 animals to be kept therein will not escape, the department shall issue a wild
9 animal license upon payment of a fee of one hundred dollars (\$100). As outlined
10 in Section 6.150.030. The quarters wherein such animals are kept shall be
11 subject to inspection upon reasonable notice. If such animal escapes, or if it
12 appears from such inspection or otherwise that such animal might escape, an
13 order may be given by the department that such quarters be immediately
14 repaired or improved and, if this is not done, the animal may be impounded as
15 provided herein and thereafter humanely destroyed, subject to an appeal
16 pursuant to the appeal procedures of Section 8.19.080; PROVIDED, that such
17 appeal shall be filed no later than the end of the next business day following
18 impoundment. Licenses issued under this section shall be valid for one (1) year.
19 This section shall not apply to the uninterrupted transport of wild animals through
20 the county by train or truck. Any person licensed under this section shall at all
21 times keep convenient to the quarters where the wild animal is being kept the
22 appropriate equipment as determined by the animal control department to aid in
23 the capture of the animal were it to escape. (Sec. 8 of Ord. 1987-11-37)

24 25 26 **8. Eliminate hobby registration provision**

27 28 **8.07.400 Hobby registration—Requirement/revocation.**

29 ~~Any premises at which four (4) or more, but less than ten (10) adult dogs are~~
30 ~~kept, must obtain a hobby registration.~~

31 ~~Any person making application for a hobby registration shall be required to~~
32 ~~submit to the animal protection and control department the following information:~~

33 ~~(1) Name, address and phone number of the owner;~~

34 ~~(2) The maximum number of adult dogs which will be maintained at this~~
35 ~~location at any single time;~~

36 ~~(3) A statement giving permission for the inspection of the dogs at any~~
37 ~~reasonable time;~~

38 ~~(4) Certification of vaccinations as provided in Section 8.07.030 of this title.~~

39 ~~(5) All hobby registration will expire twelve (12) months from the date of~~
40 ~~issuance.~~

41 ~~(6) If all application and code requirements have been met, the department~~
42 ~~may issue a hobby registration upon payment of applicable license fees; not to~~
43 ~~exceed one hundred dollars (\$100).~~

44 ~~A registration may be revoked, denied or not renewed for failure to comply with~~
45 ~~this title if the owner, premises or animals identified under such registration are~~
46 ~~the subject of two (2) or more notices of violation, criminal citations, or~~

~~impoundments within a twelve (12) month period, and such action by the animal protection and control department shall be final and conclusive unless within twenty (20) days of written notification thereof an appeal is filed in the manner provided in Section 8.19.080 of this title. (Sec. 16 of Ord. 1993-08-13A)~~

9. Require dog rescue facilities to meet existing indoor and outdoor facility requirements

8.11.020 Indoor facilities.

Animal shelters, kennels, dog rescuers, and pet shops which have indoor facilities for animals shall:

(1) Be sufficiently heated or cooled when necessary to protect the animals from temperatures to which they are not accustomed, taking into consideration their age, size and species.

(2) Be adequately ventilated to provide for the health of the animals and to remove foul odors therefrom. The ventilation system so utilized shall be designed so that the volume of air within any enclosed indoor facility or part hereof shall be replaced by fresh air three or more times per hour. If ventilation equipment is used, it shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts.

(3) Have ample light, either natural or artificial, or both, of good quality and well distributed to provide for such illumination as is necessary to inspect and clean during the entire working period. Such facilities shall be placed as to protect animals from excessive illumination. Sufficient lighting shall additionally be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers.

(4) Have interior wall, ceiling and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint. Floor surfaces shall not be made of unsealed wood. Interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris.

(5) Contain a suitable method of drainage to facilitate the rapid elimination of excess water under any weather or temperature condition from indoor housing facilities. Such system shall be connected to a sanitary sewer or septic tank system which shall conform with standards of county building codes: PROVIDED, this requirement shall not apply to pet shops. If drains are used, they shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities.

(6) Be maintained in a clean and sanitary condition, with the use of a safe and effective disinfectant in cleaning. (Sec. 1 of Res. 1981-04-108; amended by Sec. 23 of Res. 1984-12-65)

8.11.030 Outdoor facility conditions.

Animal shelters, kennels, dog rescuers, and pet shops which have outdoor facilities for animals shall:

(1) Be constructed to provide shelter from excessive sunlight, rain, snow, wind, heat, cold or other elements.

(2) Be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein.

(3) Contain a suitable system of drainage and be constructed to prevent an accumulation of water, mud, debris, excreta or other material and capable of being kept clean and sanitary and shall be so kept.

(4) Be enclosed by walls or fences sufficient to keep animals within and to prevent entrance of other animals. (Sec. 1 of Res. 1981-04-108; amended by Sec. 24 of Res. 1984-12-65)

10. Revise allowable off-leash areas

8.15.040 Leash areas designated.

~~The following areas are designated mandatory leash areas:~~

~~1. AREA ONE: (Service Area Surrounding Vancouver)~~

~~BEGINNING on the westerly boundary of Clark County, at the westerly extension of the most westerly north line of the William Dillon Donation Land Claim, in Section 2, T2N, R1W, W.M.; thence southeasterly along said north line and the extension thereof to the centerline of State Road 501; thence southeasterly along the centerline of said State Road to its intersection with the centerline of the most northerly Bonneville power line right-of-way located in the southeast quarter of Section 18, T2N, R1E, W.M.; thence northeasterly along the center line of said power line right-of-way to the west right-of-way line of the Burlington Northern Railroad; thence northerly along said railroad right-of-way line to its intersection with the centerline of Salmon Creek; thence southeasterly along the center line of Salmon Creek to a point 660 feet west of the east line of the northwest quarter of Section 28, T3N, R1E, W.M.; thence north to a point 691 feet north of the south line of Section 21, T3N, R1E, W.M.; thence east to the north-south centerline of~~

1 said section, which is also the centerline of N.W. 21st Avenue; thence south,
2 southeasterly, and east along the centerlines of N.W. 21st Avenue, N.W.
3 Hathaway Road, and N.W. 139th Street to the southeast corner of said Section
4 21; thence north to the southwest corner of the north half of the south half of
5 Section 22, T3N, R1E, W.M.; thence east along the south line of said north half
6 to the southeast corner of the west half of the northwest quarter of the southeast
7 quarter of Section 22, T3N, R1E, W.M.; thence north to the centerline of N.E.
8 149th Street; thence east to the centerline of N.E. 10th Avenue; thence north to
9 the centerline of N.E. 154th Street; thence east to the centerline of N.E. 20th
10 Avenue; thence north to the northwest corner of the plat of DONALD ACRES, as
11 recorded in Volume "F" of Plats at page 47; thence east to the northeast corner
12 of said plat; thence north to the southwest corner of the northwest quarter of the
13 northeast quarter of the southeast quarter of Section 14, T3N, R1E, W.M.; thence
14 east to a point 581 feet west of the east line of said section; thence north to the
15 east-west centerline of said section; thence east to the northeast corner of the
16 northwest quarter of the southwest quarter of Section 13, T3N, R1E, W.M.;
17 thence south to the southeast corner of the northwest quarter of the southwest
18 quarter of said Section 13, T3N, R1E, W.M.; thence east to the north-south
19 centerline of said section; thence south to the south line of said section; thence
20 east to the centerline on N.E. 50th Avenue; thence south to the centerline of N.E.
21 119th Street; thence east to the centerline of N.E. 72nd Avenue; thence south to
22 the centerline of the Longview, Portland, and Northern Railway right-of-way;
23 thence northeasterly along said railway centerline to the northeast corner of the
24 tract described as the west 10 acres of that portion of Government Lot 2, Section
25 32, T3N, R2E, W.M., lying east of the east line of 87th Avenue, north of the north
26 line of 105th Street and southerly of the south line of the railroad right-of-way;
27 thence south to a point 140 feet north of the centerline of N.E. 105th Street;
28 thence east to the centerline of N.E. 94th Avenue; thence south to the north line
29 of Section 4, T2N, R2E, W.M.; thence east along the north line of said Section 4
30 and the centerline of N.E. 99th Street to the centerline of N.E. 117th Avenue
31 (State Highway 503); thence north to the south line of the north half of the south
32 half of the south half of Section 34 T3N, R2E, W.M.; thence east to the centerline
33 of N.E. 152nd Avenue; thence south to the southwest corner of the northwest
34 quarter of Section 1, T2N, R2E, W.M.; thence east to the center of said section;
35 thence south along the north-south centerline of said section and the centerline
36 of N.E. 162nd Avenue to the centerline of N.E. 18th Street; thence east to the
37 centerline of N.E. 172nd Avenue; thence south along N.E. and S.E. 172nd
38 Avenue and the southerly extension thereof to the southerly boundary of Clark
39 County; thence northwesterly along said southerly boundary to the point of
40 beginning.

41 EXCEPT those portions lying within the city limits of the City of Vancouver.

42 2. AREA TWO: (Service Area Surrounding Camas-Washougal)

1 ~~BEGINNING at the intersection of the ordinary high waterline of the Columbia~~
2 ~~River with the west line of Section 9, T1N, R3E, W.M.; thence north to the~~
3 ~~centerline of S.E. McIntosh Road; thence easterly along the centerline of S.E.~~
4 ~~McIntosh Road to the north-south centerline of said section; thence north to the~~
5 ~~centerline of S.E. 42nd Street; thence east to the centerline of S.E. 224th~~
6 ~~Avenue; thence north to the centerline of S.E. 40th Street; thence east to the~~
7 ~~centerline of S.E. 237th Avenue; thence north along the centerline and its north~~
8 ~~extension of said S.E. 237th Avenue to the waterline of Lacamas Lake; thence~~
9 ~~following said waterline southeasterly to the south line of Section 34, T2N, R3E;~~
10 ~~thence east to the southeast corner of the west half of the southwest quarter of~~
11 ~~Section 35, T2N, R3E; thence north to the northeast corner of the southwest~~
12 ~~quarter of the southwest quarter of said section; thence east to the centerline of~~
13 ~~State Road 500 (Everett Road); thence northerly along said centerline to the~~
14 ~~northwest corner of the southwest quarter of the northeast quarter of said Section~~
15 ~~35; thence east to the northeast corner of the southwest quarter of the northeast~~
16 ~~quarter of said section; thence south to the centerline of Lacamas Creek; thence~~
17 ~~southeasterly along the centerline of said creek to the south line of Section 1,~~
18 ~~T1N, R3E, W.M.; thence east to the northeast corner of the northwest quarter of~~
19 ~~Section 10, T1N, R4E, W.M.; thence south to the ordinary high waterline of the~~
20 ~~Columbia River; thence westerly along said high waterline to the point of~~
21 ~~beginning.~~

22 ~~EXCEPT any portion thereof lying within the city limits of the City of Camas or the~~
23 ~~City of Washougal.~~

24 Dogs are required to be on leash within the urban growth boundary and any
25 other designated areas when off owner's property, unless within a permitted off-
26 leash area.

27 _____
28 **11. Change dangerous dog fee reference, insurance limits, and**
29 **identification requirements**

30 **8.18.050 License fees.**

31 (1) ~~The initial license fee for a dangerous dog shall be three hundred dollars~~
32 ~~(\$300). The annual renewal fee shall be one hundred dollars (\$100). is outlined~~
33 ~~in Section 6.150.030.~~

34 (2) The foregoing fees shall be in lieu of the licensing fees otherwise applicable
35 under 8.07 of this code. (Sec. 16 of Ord. 1987-11-37)

36 **8.18.060 Dangerous dogs—Additional requirements.**

(1) The animal control department shall issue a license to the owner of a dangerous dog only if the owner presents to the animal control department sufficient evidence of:

(a) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and

(b) A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control department in the sum of at least ~~fifty thousand dollars (\$50,000)~~ (\$250,000), payable to any person injured by the dangerous dog; or

(c) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least ~~fifty thousand dollars (\$50,000)~~ (\$250,000) insuring the owner for any personal injuries inflicted by the dangerous dog.

(d) Evidence that the labeled dog has been implanted with a microchip and placed on the local and national registry, at the owner's expense, must be submitted to the office of Animal Control. This must be accomplished within five (5) days after receipt of the dangerous or potentially dangerous dog declaration issued by the Clark County Animal Control representative.

(2) The owner of a dangerous dog shall not permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. (Sec. 17 of Ord. 1987-11-37)

12. Fees for redemption of impounded animals

8.19.060 Redemption.

Any animal impounded pursuant to the provisions of this title may be redeemed upon payment of the redemption fee as herein provided and upon evidence that the violation has been corrected. The correction of a violation includes, but is not limited to, the licensing of any unlicensed animal required by this title to be so licensed. The redemption fee for an animal includes the costs of apprehension and transportation and the costs of impoundment and care of the animal, including veterinary fees. Any license fees or civil penalties due and owing shall be in addition to the redemption fee. The redemption fee shall be set in accordance with the current contract agreement with animal shelter.
~~the following schedule:~~

- 1 ~~(1) Impoundment.~~
- 2 ~~(a) First in a twelve (12) month period: fifteen dollars (\$15).~~
- 3 ~~(b) Second in a twelve (12) month period: thirty dollars (\$30).~~
- 4 ~~(c) Third and subsequent in a twelve (12) month period: sixty dollars (\$60).~~
- 5 ~~(2) Daily Care. For each twenty-four (24) hour period, or portion thereof, from~~
6 ~~the time of impoundment:~~
- 7 ~~(a) Dog or cat: ten dollars (\$10).~~
- 8 ~~(b) Poultry: ten dollars (\$10).~~
- 9 ~~(c) Livestock: twenty-five dollars (\$25).~~
- 10 ~~In the case of other animals or litters of puppies, the greater of the actual costs or~~
11 ~~five dollars (\$5) per day will be charged.~~
- 12 ~~(3) Veterinary costs: actual costs incurred for emergency medical care with a~~
13 ~~minimum charge of twenty-five dollars (\$25) for each veterinary visit.~~
- 14 ~~(4) Transportation.~~
- 15 ~~(a) Livestock. See Section 8.03.020;~~
- 16 ~~(b) Cats and dogs fifteen dollars (\$15) plus fifty cents (\$0.50) per mile traveled~~
17 ~~to locate and transport the animal;~~
- 18 ~~(c) Other animals actual costs incurred, with a minimum charge of twenty~~
19 ~~dollars (\$20) per animal.~~
- 20 All charges are billed to the owner even if the animal is not reclaimed. (Sec. 1 of
21 Res. 1981-04-108; amended by Sec. 30 of Res. 1984-12-65; amended by Sec.
22 23 of Ord. 1993-08-13A)

23 **13. Remove \$30 limit charge to remove dead or injured animals**

24 **8.19.150 Dead/injured animals.**

25 The director of the animal control department, upon request, shall have the
26 authority to assess a fee for the picking up, and disposing of or caring for, any
27 dead or injured animal not provided for in Chapter 8.03 of this title from private
28 property; PROVIDED, HOWEVER, that said fee be reasonably commensurate
29 with the related actual costs;.

1 ~~PROVIDED, FURTHER, that said fee shall not exceed thirty dollars (\$30.00)~~
2 ~~unless a greater amount is agreed to in writing in advance by the person~~
3 ~~requesting such pick-up.~~ The assessment may be made against the animal's
4 owner if such can be determined, or against the owner of the property upon
5 which the animal is found, or both. (Sec. 1 of Res. 1981-04-108; amended by
6 Sec. 36 of Res. 1984-12-65)

7 _____
8 **14. 14.06.105.2 Add restrictions on small structures that are exempt from**
9 **building permits**

10 Section R105.2 (Work Exempt from Permit) of the IRC is amended and replaced
11 with the following:

12 105.2 Work Exempt from Permit. Exemptions from permit requirements of
13 this code shall not be deemed to grant authorization for any work to be
14 done in any manner in violation of the provisions of this code or any other
15 laws or ordinances of this jurisdiction. Unless otherwise exempted,
16 separate plumbing, electrical and mechanical permits may be required for
17 any of the following exempted items. Permits shall not be required for the
18 following:

19 1. One-story detached accessory structures not used for human
20 habitation, provided the floor area does not exceed 120 square feet (11.15
21 m²).

22 2. Fences not over 6 feet (1,829 mm) high.
23 _____

24 **15. 40.200.040.B and 40.220.020.C. Eliminate the area of private streets**
25 **from density calculations in the multifamily zones**

26 **40.200.040**

27 **B. Density Calculations.**

28 1. For all urban zoning districts with minimum densities except R1-5, R1-
29 6, R1-7.5, R1-10 and R1-20, the following shall apply:

30 a. Minimum density or floor area ratio will be based on the
31 developable area of the lot that remains after subtracting:

32 (1) Land ~~dedicated~~ devoted to ~~for~~ public right-of-way or private
33 street easements roads, public parks and trails, required
34 landscaping and drainageways;

35 (2) Land designated by covenant or public dedication to be
36 permanently maintained in an undeveloped state because the

land is identified as sensitive due to the presence of steep slopes, unstable land, historical or archaeological sites, wetlands and buffers, or other permanent physical development limitations as may be determined by the responsible official. All other lands shall be considered in the calculation of minimum density including required setbacks, private recreation or common areas.

b. Maximum density or floor area ratio shall be calculated based upon the gross area of the site, excluding public right-of-way or private street easements.

2. For the R1-5, R1-6, R1-7.5, R1-10 and R1-20 zoning districts, minimum and maximum densities shall be calculated pursuant to the standards in Chapter 40.220.

40.220.020.C. Development Standards

2. Minimum and Maximum Densities within the R-12, R-18, R-22, R-30, R-43 and All OR Districts.

c. Minimum density ~~or floor area ratio~~ will be based on the developable area of the lot that remains after subtracting:

(1) Land ~~dedicated for~~ devoted to public or private roads, public parks and trails, required landscaping and drainageways;

(2) Land designated by covenant or public dedication to be permanently maintained in an undeveloped state because the land is identified as sensitive due to the presence of steep slopes, unstable land, historical or archaeological sites, wetlands and buffers, or other permanent physical development limitations as may be determined by the responsible official. All other lands shall be considered in the calculation of minimum density or floor area ratio including required setbacks, private recreation or common areas.

d. Maximum density ~~or floor area ratio~~ shall be calculated based upon the gross area of the site, excluding public right-of-way or street easements.

16. 40.200.070 Exceptions for garden sheds and HVAC units in setbacks

40.200.070 Exceptions to Setback Requirements

A. Projections into Required Setbacks. (See also Section 40.320.010(C)(9).)

4. Garden Sheds, Gazebos and ~~or~~ Play Houses. One A garden shed, or one gazebo or one play house meeting all of the following

requirements may be located in either the side or rear setback of single-family residential districts (R1-5, R1-6, R1-7.5, R1-10 and R1-20):

- a. The structure contains no more than one hundred twenty (120) square feet of floor area, with overhangs that do not exceed sixteen (16) inches;
- b. The structure is set back from property lines a minimum of two (2) feet;
- c. The floor elevation is eighteen (18) inches or less in height;
- d. The structure is less than twelve (12) feet in height;
- e. Roof drainage is contained on site; and
- f. No utilities are connected to the structure.
- g. If the structure is located within a utility easement, the property owner must obtain a waiver letter from all applicable utilities.

5. Aboveground utilities.

17. 40.220.010C. Clarify density calculations in the Single Family Residential zones

40.220.010C. Development Standards.

1. New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for ~~minimum and maximum density~~, lots, building height and setbacks in Tables 40.220.010-2 and 40.220.010-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

Table 40.220.010-2. Lot Requirements					
Zoning District	Residential Density for PUDs and <u>Tier 1</u> Infill Only (d.u./acre)^{1,2}	Minimum Lot Area (sq. ft.)	Maximum Average Lot Area (sq. ft.)	Average² Minimum Lot Width (feet)	Average² Minimum Lot Depth (feet)
R1-20	2.2 – 1.4	20,000	30,000	100	130
R1-10	4.4 – 2.9	10,000	15,000	80	90
R1-7.5	5.8 – 4.1	7,500	10,500	60	90
R1-6	7.3 – 5.1	Average 6,000; 5,000 per duplex unit	8,500	50	90
R1-5	8.7 – 6.2	Average 5,000;	7,000	45	75

		4,000 per duplex unit			
--	--	-----------------------	--	--	--

¹ The maximum and minimum density is for the purpose of calculating densities for planned unit and infill developments. Densities shall be calculated based on the gross area of the site minus any public rights-of-way, private road easements, or street tracts.

² Average for each individual lot.

³ Tier II Infill allows greater densities. See Table 40.260.110-2.

18. Add and revise definitions in the Gorge provisions

40.240.040 DEFINITIONS

<u>Animal Unit</u>	<u>An animal unit consists of one adult horse, or two ponies, or five miniature horses.</u>
Horses, boarding of (GMA)	The stabling, feeding, <u>pasturing</u> and grooming for a fee, or the renting use of stalls and related facilities, such as training arenas, corrals and exercise tracks, for the care of horses not belonging to the owner of the property. <u>These facilities are either operated for a fee or by a nonprofit organization.</u>

Undertaking	“Undertaking” means any project, activity, program or development or change in land use that can result in changes in the character or use of a cultural resource, if any such cultural resources are located in the area of potential effects. For federal undertakings, the project, activity, or program must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements [36 CFR 800.16(y)]. 2(e).
-------------	---

19. 40.240.150 Variances from Setbacks and Buffers (GMA)

A. Variances from setbacks and buffers within the GMA shall be reviewed under administrative variance criteria of Section 40.550.020, ~~including variance requests in excess of twenty-five percent (25%), which shall be subject to a Type II review.~~ When setbacks or buffers for the protection of scenic, cultural, natural,

recreation, agricultural or forestry resources, or nonresource uses, overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

1. A setback or buffer to protect one (1) resource or use would cause the proposed use to fall within a setback or buffer to protect another resource; and
2. Variation from the specified setbacks or buffers would, on balance, best achieve the protection of the affected resources.

20. Add provisions for horse boarding facilities in the Gorge Scenic Area

40.240.205 HORSE BOARDING FACILITIES

The responsible official shall make findings on property characteristics, parcel size and impacts to neighbors, and shall specify the maximum number of horses based on those findings and the number of recommended animal units provided in the guidance documents by the Clark Conservation District, WSU Extension Offices and the Natural Resource Conservation Service for the geographic area the application is located within.

21. 40.250.020 Expand surface mining application notice requirements

40.250.020 Surface Mining Overlay District (S)

B. Uses.

The following uses are permitted outright or by conditional use permit within this district:

1. Permitted.
 - a. All uses allowed in the zone district with which this district is combined.
 - b. Extractions from deposits of rock, stone, gravel, sand, earth and minerals.
2. Conditional.
 - a. Asphalt mixing.
 - b. Concrete batching.
 - c. Clay bulking.
 - d. Rock crushing.

D. Special Standards or Requirements.

- 1 5. Maximum Permissible Noise Levels. Maximum permissible noise
2 levels shall be according to the provisions of the Chapter 173-60
3 WAC.
4 6. Hours of Operation. Hours of operation, unless otherwise authorized
5 approved by the responsible official, shall be between 6:00 a.m. and
6 8:00 p.m.

7 E. Plan Approval.

8 ~~Prior to receiving approval the responsible official shall first review and~~
9 ~~approve plans and specifications and other supporting data, through a Type~~
10 ~~II site plan review process.~~

- 11 1. For those uses permitted under Section 40.250.020.B.1, the
12 responsible official shall review and approve plans and specifications
13 and other supporting data through a Type II site plan review process.
14 2. Conditional uses under Section 40.250.020.B.2 shall be reviewed
15 through a Type III Conditional use review process.

17 F. Special Notice Requirements. Notice shall be sent to owners of property
18 within a radius of one-half (1/2) mile of the property that is the subject of a
19 Type II or Type III application.
20 _____
21

22 **22. 40.260.140.D Mobile home park sidewalk width**

24 40.260.140.D. Mobile Home Park Requirements.

- 25 1. Park Streets and Walkways.
26 a. Park Streets. A park street shall connect each mobile home space to a
27 public road. The park street shall be a minimum of thirty (30) feet in width,
28 with a paved surface width of at least twenty-four (24) feet.
29 b. Walkways. Walkways of not less than ~~two (2) feet~~ forty-four (44) inches in
30 width shall be provided from each mobile home space to any service building,
31 recreation area, and parking area.
32 c. Paving. Park streets shall be paved with crushed rock base asphalt or
33 concrete surfacing.
34
35
36 _____

37 **23. 40.260.250.E.2.d Correct mis-reference to WDF&W special habitat**
38 **areas**

- 39 2. New Support Towers. The following standards shall apply to new
40 support towers:
41
42 d. New support towers within three (3) miles of a national wildlife refuge
43 or within a thousand (1,000) feet of those features or areas identified
44 in Section ~~40.260.250.G.2.b(1)(e)~~ 40.260.250.G.2.b.(2)(h)iii shall be
45 reviewed for possible impacts to wildlife.
46

24. 40.350.030.B.4.b(1)(b) Driveway spacing to corner lots

40.350.030.B.4.b(1)

b. Access to Local Access Roads.

(1) Spacing.

(b) Corner lot driveways shall be a minimum of fifty (50) feet from the intersecting property lines, as measured to the nearest edge of the driveway, or in the case where this is impractical, the driveway may be located five (5) feet from the property line away from the intersection or as a joint use driveway at this property line. Where a residential corner lot is located at the intersection of a non-arterial street with an arterial street, the corner clearance requirements of Section 40.350.030(B)(4)(c)(2)(f) shall apply to the non-arterial street.

25. 40.350.030.B.8 Sight distance requirements

8. Sight Distances. As noted in Section 40.350.030(A)(2), this subsection also applies to applications for building permits and applications for access to public roads. Unless modified pursuant to Section 40.550.010, public and private roads shall comply with the following sight distance requirements:

b. Controlled Intersection and Driveway Sight Distance Triangle.

Traffic entering an uncontrolled public road from stop sign controlled public roads, or from private roads or private driveways shall have minimum corner sight distances, as shown in the following table, except as allowed in Section 40.350.030(B)(8)(c). They are measured from an eye height of three and one-half (3.5) feet above the controlled road at least fifteen (15) feet from the edge of the vehicle travel lane of the uncontrolled public road to an object height of four and one quarter (4.25) feet on the uncontrolled public road in accordance with Table 40.350.030-11. Landscaping or fences within sight distance triangles shall not interfere with sight distance requirements.

c. Uncontrolled Intersections. ~~This section applies only to access roads in urban and rural areas.~~ Uncontrolled intersections for

1 access roads in urban and rural areas shall have an unobstructed
2 sight distance triangle of one hundred (100) feet on both
3 approaches. This requirement may be reduced to eighty (80) feet for
4 intersections abutting corner lots in an urban residential subdivision.
5 ~~Driveways shall have an unobstructed sight distance of one hundred~~
6 ~~(100) feet in both directions, except corner lot.~~ The sight distance is
7 measured along the lines four (4) feet from the center line, in
8 drivers' direction, for both approaches, ~~or directions.~~ ~~Landscaping or~~
9 ~~fencing within the sight distance triangle shall not interfere with this~~
10 ~~sight distance requirement.~~

11
12 d. Driveways in urban residential areas. Except for corner lot
13 driveways, urban residential driveways shall have an unobstructed
14 sight distance of one hundred (100) feet in both directions. The sight
15 distance is measured along the lines four (4) feet from the center
16 line, in the drivers' direction, for both directions.

17
18 e. Driveways in rural areas are subject to Table 40.350.030-11.

19
20 d. f. Effect of Grades. The effect of grades on the above stopping and
21 intersection sight distances shall be governed by the criteria stated
22 in the American Association of State Highway and Transportation
23 Officials' (AASHTO) reference "A Policy on Geometric Design of
24 Rural Highways" (1990).

25
26
27
28
29 **26. 40.350.030.B.9.b(2) Reduce the required diameter of temporary cul-**
30 **de-sac bulbs**

31
32 9. Street Extensions.

33 b. Urban Developments.

34 (2) Use of Temporary Turnaround. If a road serving more than
35 eighteen (18) dwelling units or more than one hundred fifty
36 (150) feet in length temporarily terminates at a property
37 boundary, a temporary turnaround cul-de-sac bulb consistent
38 with this standard shall be constructed near the plat boundary.
39 The bulb shall be paved and shall be ~~ninety (90)~~ eighty (80) feet
40 in diameter, which may include the width of the roadway with
41 sidewalks, where required, terminating at the point where the
42 bulb radius begins. Removal of the temporary turnaround and
43 extension of the sidewalk shall be the responsibility of the
44 developer who extends the road (see the Standard Details
45 Manual). The easement for a temporary turnaround may be
46 extinguished without county approval after the temporary

turnaround is determined to be no longer necessary by the county.

27. 40.350.030.C.2.d Construction plan requirements for transportation and utility improvements

- d. Format. The cover sheet of all plans shall include a statement identifying which standard specifications will apply to the project. Plan and profile may be shown on the same sheet with profiles shown on the bottom half of the sheet. Sheets shall measure twenty-two (22) to twenty-four (24) inches in height by thirty-four (34) to thirty-six (36) inches in length with a borderline of ~~two~~ one and one-half (~~2.5~~) (1.5) inches on the left side of the length of the sheet and one-half (0.5) inch on remaining sides. When more than two (2) plan sheets are used, an overall development layout shall be submitted showing the relationship of roads and utilities.

28. Clarify intersection curb radii provisions for alleys and infill streets

Table 40.350.030-4. Design Criteria For Urban Access Roads

Design Criteria	Neighborhood Circulator ⁷ Drawing 13	Local Residential Access ⁷ Drawing 14	Residential Loop ⁷ Drawing 15	Cul-de-Sac ^{1,7} Drawings 15 & 28	Short Cul-de-Sac ^{2,7} Drawings 16 & 29	Alley ^{3,7} Drawing 19	Infill Roadway ^{4,7,11} Drawing 17	Infill Private Roadway ^A Drawing
Minimum Right-of-Way (ft.)	54	46	46	46	42	26	25	20
Lane Width (ft.)	2 lanes 10 ft. ea.	1 lane 12 ft. ea.	1 lane 10 ft. ea.	1 lane 10 ft. ea.	1 lane 10 ft. ea.	1 lane 20 ft. ea.	2 lanes 10 ft. ea.	1 lane 12 ft. ea.
Parking Lane Width (ft.) one or both sides	8 both sides	8 both sides	8 both sides	8 both sides	7 both sides	N/A N/A	N/A N/A	N/A N/A
Roadway Width (ft.) ⁵	36	28	26	26	24	20	20	12
Design Speed (MPH)	25	25	25	25	25	N/A	N/A	N/A
Maximum	15	15	18	18	18	18	18	18

Grade (%)								
Minimum Centerline Radius (ft.)	150	70 ⁶	70 ⁶	70 ⁶	70 ⁶	N/A	N/A	N/A
Maximum Number of Houses	300	150	100	N/A	18	N/A	8 Lots	4 Lots ¹²
Sidewalks (both sides) (ft.)	5	5	5	5	5	N/A	N/A	N/A
Curb and Gutter ⁸	18 in. C&G	18 in. C&G	18 in. C&G	18 in. C&G	18 in. C&G	N/A	N/A	N/A
Minimum Intersection Curb Return Radii (ft.) ⁹	25	25	20	20	20	N/A ¹³	N/A ¹³	N/A ¹³
Min. Full Access Intersection Spacing (ft.) ¹⁰	150	100	100	100	100	100	N/A	N/A
Public/Private	Public	Public	Public	Public	Public	Public	Public/Private	Private
Frontage Access	Yes	Yes	Yes	Yes	Yes	N/A	N/A	N/A

1 ⁹ Intersections with arterials require thirty-five (35) foot radii.

2 ¹⁰ Ten (10) foot maximum off-set may be allowed.

3 ¹¹ Infill developments only: Infill Road A and Infill Private Road B standards may
4 be used in lieu of alley standards pursuant to Section 40.260.110.

5 ¹² One hundred fifty (150) foot maximum length.

6 ¹³ Driveway approaches connecting to these alleys or roads are not subject to
7 return radii. Other intersections involving these alleys or roads with higher
8 classification roadways shall use a concrete approach per Standard Detail
9 Drawings F16, twenty-four (24) foot minimum width, or F17.

29. Table 40.350.030-5 Sidewalks in rural centers

Table 40.350.030-5. Design Criteria For Rural Access Roads				
Design Criteria	Private Road ¹	Local	Loop Road	Cul-de-sac ²

	Drawing 27	Access Drawing 25	Drawing 26	Drawings 26 and 30
Minimum R/W (ft.) ³	30' Easement	50 ⁴	46	42
Lane Width (ft.)	two 10' lanes	two 10' lanes	two 10' lanes	two 10' lanes
Paved Shoulders		2 (2')	2 (2')	2 (2')
Roadway Width (include shoulders) (ft.) ⁵	20	24	24	24
Design Speed (MPH)	25 ⁶	30	25	25
Maximum Grade (%)	18	15	18	18
Minimum Centerline Radius (ft.)	60	150	60	60
Maximum Length (ft.) ⁷	N/A	N/A	N/A	N/A
Intersection Minimum Spacing (ft.) ⁸	100	150	100	100
Design Volume (ADT)	500	2,000	500	250
Typical # Houses	50	200	50	25
Sidewalks (both sides) Curb and Gutter Required	N/A ¹⁰	N/A ¹⁰	N/A ¹⁰	N/A ¹⁰
Minimum Intersection Radii ⁹	25	25	20	20

1 ¹ Private loop roads and cul-de-sacs may use public road standards for the
2 respective categories except that the width of the road is twenty (20) feet.

3 ² Cul-de-sac bulb minimum constructed radius is forty-five (45) feet with a fifty
4 (50) foot right-of-way radius.

5 ³ In Rural Centers additional R/W or public easements for walkways or ditches
6 may be required.

7 ⁴ Within the "urban reserve" areas of the county, the right-of-way shall be fifty-four
8 (54) feet.

9 ⁵ Add ten (10) feet for bike lanes.

10 ⁶ Design speed for rural private road may be reduced to twenty (20) miles per
11 hour without road modification, if topography imposes severe restriction and has
12 approval from the County Engineer.

13 ⁷ The review authority may require a limitation to the length of a cul-de-sac or
14 dead-end road in certain situations (see Section 40.350.030(B)(12)).

1 ⁸ A ten (10) foot maximum off-set may be allowed.

2 ⁹ Intersection of two (2) different street classifications shall use the larger
3 intersection radius.

4 ¹⁰ In Rural Centers, a detached, at-grade paved (concrete or asphalt) walkways,
5 at least five (5) feet wide is are required. Public streets shall require walkways
6 on both sides of the street. Private streets shall require walkways on at least
7 one side.

8

9 **30. 40.410.040 Eliminate outdated reference to library of CARA best**
10 **management practices**

11 40.410.040.A. Incentives.

12 1. Best Management Practices (BMPs). Individuals who implement BMPs to
13 safeguard groundwater may not be required to provide additional geologic and
14 hydrologic characteristics of the subject property, pursuant to Sections
15 40.410.030(B) and (C). Individuals shall implement the Washington Department
16 of Ecology's Stormwater, Water Quality, Hazardous Waste, Wetland, and Solid
17 Waste Programs BMPs; Section 13.26A, and BMPs from the Washington
18 Departments of Health, Agriculture, Transportation, and State Conservation
19 District Office.

20 2. Maintain Open Spaces. An individual may receive a tax reduction for not
21 creating impervious surface within Category I. Open space may allow recharge to
22 replenish the groundwater supply.

23 3. Land Exchange. The purpose of land exchange is to locate high-use impacts
24 outside Category I. State agencies and local government may convey, sell,
25 lease, or trade existing public lands in order to obtain public ownership over all or
26 part of a CARA. Such exchanges may occur only upon agreement between the
27 recorded landowner and state and local agencies authorized to exchange the
28 subject land.

29 ~~4. The department shall maintain and update a library of best management~~
30 ~~practices recommended by state and federal agencies. The library shall include,~~
31 ~~but not be limited to, the following guidance documents (best management~~
32 ~~practices):~~

- 33 ~~a. A Guide for Perspective Well Owners (WDOE, 75-011);~~
34 ~~b. Guidelines for the Development of Groundwater (WDOE, 86-002);~~
35 ~~c. Ground Water Resource Protection: A Handbook for Local Planners~~
36 ~~and Decision Makers (WDOE, 87-003);~~
37 ~~d. Dry Cleaning Hazardous Waste Do's and Don'ts (WDOE, 91-012c);~~
38 ~~e. Electroplating (WDOE, 91-0129);~~

~~f. Guidance for Remediation of Petroleum Contaminated Soils (WDOE, 91-030);~~
~~g. Protecting Ground Water: A Strategy for Managing Agricultural Pesticides and Nutrients (WDOE, 91-042);~~
~~h. Empty Pesticide Container Disposal (WDOE, 92-br-008);~~
~~i. Managing Hazardous Waste for Radiator Shops (WDOE, 92-br-009);~~
~~j. Managing Hazardous Waste for Transmission Shops (WDOE, 93-br-010);~~
~~k. Managing Hazardous Waste for Service Stations (WDOE, 93-br-013);~~
~~l. Managing Hazardous Waste for Tire Dealers (WDOE, 93-br-015);~~
~~m. Surface and Ground Water on Coastal Bluffs: A Manual of Practices for Coastal Property Owners (WDOE, 93-009);~~
~~n. Tank Owners and Operators Guide to Using Ground Water Monitoring for UST Release Detection (WDOE, 93-012);~~
~~o. A Guide for Lithographic Printers (WDOE, 94-139);~~
~~p. A Guide for Photo Processors (WDOE, 94-138);~~
~~q. A Guide for Screen Printers (WDOE, 94-137);~~
~~r. Best Management Practices to Prevent Stormwater Pollution at Vehicle Recycling Facilities (WDOE, 94-146);~~
~~s. Prevention of Stormwater Pollution at Log Yards — Best Management Practices (WDOE, 95-053);~~
~~t. Vehicle and Equipment Washwater Discharges — Best Management Practices (WDOE, 95-056);~~
~~u. Best Management Practices for Auto Dealerships — Auto Wastes and Containers (WDOE, 95-405A);~~
~~v. Best Management Practices for Auto Dealerships — Waste Processes (WDOE, 95-405B);~~
~~w. Irrigation Best Management Practices to Protect Ground Water and Surface Water Quality (WDOE, 96-013);~~
~~x. Frequently Asked Questions Concerning Solvent and Cleaner Disposal (WDOE, 96-422);~~
~~y. Management Requirements for Special Waste (WDOE, 96-1254);~~
~~z. Drycleaners (WDOE, F-HWTR-93-541); and~~
~~aa. Selecting Best Management Practices for Stormwater Management (WDOE, WQ-R-93-011).~~

31. 40.410.010 CARA map authority

D. Map.

The map entitled Clark County, Washington Critical Aquifer Recharge Areas as signed by the board is adopted and is on file with the County Auditor. If a conflict exists between the map and on-site conditions, the on-site conditions shall supersede the map. The county will update the CARA map as warranted by new information.

32. 40.420.010.B, 40.510.020, and 40.510.030 Flood hazard review applicability

40.420.010 B. Applicability

1. This chapter shall apply to all flood hazard areas within the jurisdiction of Clark County. All applications for development on lands containing flood hazard areas, including conditional uses, master plans, planned unit developments, short plats, subdivisions, site plans, rezonings, grading, and final construction shall be subject to these provisions.

40.510.020. A. (Type II)

Pre-Application Review

8(e)(2) Physical development limitations, such as steep or unstable slopes, wetlands, well head protection areas, water bodies, or special flood hazard areas, that exist on and in the vicinity of the property subject to the application.

40.510.030. A. (Type III)

Pre-Application Review

8(e)(2) Physical development limitations, such as steep or unstable slopes, wetlands, well head protection areas, water bodies, or special flood hazard areas, that exist on and in the vicinity of the property subject to the application.

33. 40.510.030 E.3.c. and d. Public notice and sign specifications for Type III applications

c. Except for plat alteration applications that have been elevated to Type III applications, and Shorelines permits, the county shall post the notice in a conspicuous place visible to the public in at least three (3) locations on or in the vicinity of the property subject to the application at least fifteen (15) calendar days before the hearing, and the applicant shall remove and properly dispose of the notices within seven (7) calendar days after the hearing.

d. Except for plat alteration applications that have been elevated to Type III applications, and Shorelines permits, the applicant shall post one (1) four (4) foot by eight (8) foot sign board on the property subject to the development application as follows:

(1) Location. The board shall be installed at the midpoint along the site street frontage at a location five (5) feet inside the

property line, or as otherwise directed by the responsible official to maximize visibility.

(2) Required Information. The sign shall include the following information:

(e) The sign shall be ~~laminated~~ or made of materials that will endure inclement weather conditions typical of Clark County.

(f) The responsible county official shall provide the applicant a template for the sign.

(3) Construction Specifications. The sign board shall be constructed with four (4) foot by eight (8) foot ~~plywood~~ material and secured with at least two four (4) inch by four (4) inch posts. The board shall be affixed to the posts with at least two five (5) inch long three-eighths-inch diameter bolts, washers and nuts per post. Bracing shall be provided in order for the sign board to withstand high wind conditions that may occur. Posts shall be dug twenty-four (24) to thirty-six (36) inches into the ground for stability. The top of the sign board shall be designed to be between seven (7) and eight (8) feet above grade.

34. Table 40.500.010-1, Table 40.510.050-1, and 40.570.080.C.3.k Revise archaeology submittal requirements

Table 40.500.010-1. Summary of Development Approvals by Review Type					
	Type I	Type II	Type III	Type IV	Code Reference
Plan and Code Amendments					
Annual Reviews				X	40.560.010
Zone Change within CP designation			X		40.560.020
Zone Change Text Amendments				X	
Special Area-Related Reviews					
Archaeological Predetermination	X	-	-	-	40.570.080
Columbia River Gorge Permit		X	X		40.240.050

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II

and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
1. Application Form. The application form shall be completed and original signed in ink by the applicant.	X	X
21. Associated Applications. Applications associated with the preliminary plan, to the extent applicable (e.g., archaeological predetermination or archaeological survey as determined by Pre-Application Report , critical aquifer recharge areas [CARA], floodplain, habitat, shoreline, wetland, variances, etc.), must be submitted prior to or concurrent with the application.		X
24. <u>Archaeological Information. If an archaeological review is required, proof that the archaeological predetermination or archaeological survey was submitted to the State Department of Archaeology and Historic Preservation for review must be submitted prior to, or concurrent with the application. (Proof can be via an e-mail confirmation or other conclusive method of proof that DAHP has received the site-specific document for review)</u>		X

1

2 **40.570.080.C.3.k (SEPA regulations)**

3 k. Historic and Cultural Preservation.

4 (1) Purpose. It is the county's policy to recognize and protect important
5 historic and cultural resources, including those listed on the national,
6 state and local registers of historic places; cultural resources inventoried
7 by the State Archaeologist and Clark County; and as yet unrecorded
8 sites, objects or structures.

9 (2) Definitions. For the purposes of this chapter, the following definitions
10 shall apply:

11

Archaeological predetermination	"Archaeological predetermination" means a preliminary archaeological investigation of a project area by the county which includes, but is not limited to, a review of archaeological databases, walking the site in a series of transects, and the use of shovel test probes of the subsurface as necessary. <u>When archaeological deposits</u>
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	are identified, sufficient shovel test probe examination shall be conducted to determine whether the discovery meets the definition of an archaeological site in RCW 27.53.030. A Washington State Archaeological Site Inventory form shall be completed and submitted for the identified site.
Archaeological survey	"Archaeological survey" means a <u>formal archaeological study that determines the density of archaeological resources, as well as defining the site's boundaries, includes background research and adheres to the State Department of Archaeology and Historic Preservation (DAHP) Survey and Reporting standards. Additional testing and/or data recovery, if recommended, will require and Archaeological Excavation Permit from the Department of Archaeology and Historic Preservation.</u>
Shovel test probe	"Shovel test probe" is defined as a cylindrical hand-dug vertical hole measuring fifty (50) centimeters in diameter and excavated to a depth of at least fifty (50) centimeters below ground surface.

- (3) Applicability. The county adopts by this reference the Clark County Archaeological Predictive Model and associated probability maps. The predictive model and probability maps may be periodically updated to reflect the best available information. Table 40.570.080-1 is based on the predictive model and maps, and shall be used to determine when an archaeological predetermination shall be required. The determinations within the table are further subject to the additional provisions in Section 40.570.080(C)(3)(k)(3)(a).

Table 40.570.080-1. Need for Predetermination				
Predictive Model Map Designation		Potential for Impacts		
Class	Probability Index	Low ¹	Moderate ²	High ³
1	1% – 20% } Low	No	No	No
2	21% – 40% } Low-Moderate	No	No	Yes
3	41% – 60% } Moderate	No	Yes	Yes
4	61% – 80% } Moderate-High	No	Yes	Yes
5	81% – 100% } High	No	Yes	Yes

¹ Low potential impacts: Those activities involving no ground disturbance, normal maintenance and repair of existing structures and facilities, lands that have been substantially disturbed to a depth of more than eight (8) inches, and areas that have been adequately surveyed in the past with no discovery of resources.

² Moderate potential impacts: Activities involving slight ground disturbance not otherwise characterized as having low or high impact potential.

³ High potential impacts: Activities involving disturbance of more than twelve (12) inches below the ground surface and more than ten thousand (10,000) square feet of area.

(a) Regardless of the probability map designation in Table 40.570.080-1, predeterminations shall be required as specified below:

(i) A predetermination shall be required for any high potential impact project located within one-quarter (1/4) mile of a recorded site.

(ii) A predetermination shall be required for any moderate through high potential impact project located within five hundred (500) feet of a known, but unregistered unrecorded site.

~~(4) Predeterminations. When required, predeterminations shall be submitted prior to, or concurrent with, a fully complete development application. Predeterminations may be accomplished by one (1) of the two (2) following options:~~

~~(a) Predeterminations can be completed by the county, subject to the predetermination fee in Table 6.110A.010; or~~

~~(b) The applicant can hire an independent qualified archaeologist to complete the predetermination. The county shall review such independent predeterminations, and charge a "predetermination review" fee as stated in Table 6.110A.010.~~

(4) Predeterminations. When required, a predetermination completed by a professional archaeologist shall be submitted to the DAHP for their review and approval. As part of a counter complete development application, the applicant shall submit proof via an e-mail confirmation or other conclusive method that DAHP has received the site-specific document for review. If the DAHP required additional archaeological studies as a result of a prior predetermination, any such studies shall be completed, and proof shall be submitted that DAHP has received the study prior to the submittal of a development application.

(5) Survey. An archaeological survey shall be required if the predetermination report calls for a survey, or is required by the DAHP, or upon discovery of an archaeological site during development of any permitted project.

(6) Mitigation Measures. An archaeological survey shall result in a report addressing the significance of cultural resources present on the site. The study shall include recommendations to mitigate impacts to the archaeological site consistent with WAC 25-48-020. and recommending

1 appropriate mitigation measures, which may include but are not limited
2 to the following:

- 3 (a) ~~Avoidance or non-disturbance;~~
- 4 (b) ~~Recording the site with the State Department of~~
5 ~~Archaeology and Historic Preservation;~~
- 6 (c) ~~Reinterment in the case of grave sites;~~
- 7 (d) ~~Covering the site with a nonstructural surface to~~
8 ~~discourage pilferage (e.g., maintained grass or pavement);~~
- 9 (e) ~~Excavation and recovery of resources; and~~
- 10 (f) ~~Inventorying prior to covering of resources with structures~~
11 ~~or development.~~

12
13 (7) If human remains are discovered, all work shall stop, and local law
14 enforcement officials shall be notified immediately.

15
16 ~~(7)~~ (8) It is further the county's policy to consult with affected Native
17 American interests in matters of cultural resource preservation. The
18 following code provisions and plan policies also apply to historic and
19 cultural resources:

- 20 (a) Chapter 14.07, Grading, and IBC Sections 106 and 3407;
- 21 (b) Section 40.250.030, Historic Preservation, and Rules and
22 Procedures of the Clark County Heritage Commission;
- 23 (c) Chapter 40.240, Clark County Implementing Land Use
24 Regulations for the Columbia River Gorge National Scenic
25 Area; and
- 26 (d) Chapter 8 of the Clark County Comprehensive Plan.

27
28 **35. 40.520.010.F Public interest exception approval requirements**

29 40.520.010.F. Exceptions.

30 1. Innocent Purchaser Exception. The responsible official shall determine that
31 parcels which meet both of the following exception criteria are lots of record:

32 a. Zoning. The parcel meets minimum zoning dimensional requirements,
33 including lot size, dimensions and frontage width, which are currently in effect or
34 in effect at the time the parcel was created; and

35 b. Platting. The current property owner purchased the property for value and in
36 good faith, and did not have knowledge of the fact that the property acquired was
37 divided from a larger parcel after August 21, 1969, in the case of subdivisions, or
38 after July 1, 1976, in the case of short plats, or after April 19, 1993, in the case of
39 any segregation resulting in parcels of five (5) acres or larger.

2. Public Interest Exception, Mandatory. The responsible official shall determine that parcels which meet the following criteria are lots of record:

a. Date of Creation. The lot was created before January 1, 1995;

b. Zoning. The parcel meets minimum zoning dimensional requirements currently in effect, including lot size, dimensions and frontage width; and

c. Platting.

(1) The responsible official determines that improvements or conditions of approval which would have been imposed if the parcel had been established through platting are already present and completed; or

(2) The property owner completes conditions of approval such as, but not limited to, road, sidewalk, and stormwater improvements which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans and fees shall be required where applicable. Such plans may include final engineering plans and a final land division plan in lieu of a final plat.

3. Public Interest Exception, Discretionary. The responsible official may, but is not obligated to determine that parcels meeting the following criteria are lots of record:

a. Zoning. The parcel lacks sufficient area or dimension to meet current zoning requirements but meets minimum zoning dimensional requirements, including lot size, dimensions and frontage width, in effect at the time the parcel was created; and

b. Platting.

(1) The responsible official determines that conditions of approval which would have been imposed if the parcel had been established through platting under current standards are already present on the land; or

(2) The property owner completes conditions of approval such as, but not limited to, road, sidewalk, and stormwater improvements which the responsible official determines would otherwise be imposed if the parcel had been established through platting under current standards. Preliminary and final submittal plans and fees shall be required where applicable. Such plans may include final engineering plans and a final land division plan in lieu of a final plat.

c. The responsible official shall apply the following factors in making a lot of record determination under the discretionary public interest exception:

36. 40.520.020 Uses subject to review and approval

D. Approval Criteria – Special Uses.

When the following uses are allowed subject to review and approval (R/A) the responsible official shall review them subject to the applicable standards and criteria in Chapter 40.260:

1. Accessory dwelling units (Section 40.260.020);
 2. Bed and breakfast establishments (Section 40.260.050);
 3. Home business – Type II (Section 40.260.100);
 4. Residential infill (Section 40.260.110);
 5. Mobile homes on individual lots (Section 40.260.130);
 6. Mobile home parks (Section 40.260.140);
 6. 7. Townhouse developments (Section 40.260.230);
 7. 8. Wireless communications facilities (Section 40.260.250);
 8. 9. Zero lot line development (Section 40.260.260).
-

37. 40.550.010 Minor road modifications

40.550.010 Road Modifications

A. Criteria.

1. Modifications to the standards contained within Chapter 40.350 may be granted in accordance with the procedures set out herein when any one (1) of the following conditions are met:

a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.

b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship.

c. An alternative design is proposed which will provide a plan equal to or superior to these standards.

d. Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created.

2. In reviewing a modification request, consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors, such as to advance the goals of the comprehensive plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact. Self-imposed hardships shall not be used as a reason to grant a modification request.

3. To address issues associated with rapid growth, the legislature enacted the Growth Management Act which requires that urban growth areas be sized to accommodate growth and prevent urban sprawl by focusing development in underdeveloped portions of an urban area. The board therefore finds and concludes, consistent with that legislation, that right-of-way dedicated, frontage improvements and crossroads constructed in urban growth areas in Clark County will be substantially completed within the twenty (20) year period provided in RCW 36.70A.110 in the absence of geographic or development constraints.

B. Categories.

For the purpose of processing, modification requests fall within the following two (2) categories:

1. Administrative Modification. Administrative modification requests deal with the construction of facilities, rather than their general design, and are limited to the following when deviating from the standard specifications:

- a. Surfacing materials for roads or pedestrian facilities;
- b. Asphalt and/or base rock thickness less than required;
- c. Pavement marking layout;
- d. Exceeding the maximum street grade;
- e. Type and/or location of signage;
- f. Channelization;
- g. Intersection interior angles and curb radii less than required;
- h. Utilizing the current set of standards in lieu of the standards that were in place when the applicant's proposed project was vested;
- i. Access-related modifications onto collectors and arterials; provided, other substantive criteria such as sight distance and limited access points are met; and provided further, that access to a lesser classification of road is not available;
- j. Field changes during construction; and
- k. Similar revisions to the standards;
- l. Shed section or inverted crown.

2. Design Modifications. Design modifications deal with the vertical and horizontal geometrics and safety related issues and include the following when deviating from the standard specifications:

- a. Reduced sight distances;
- b. Intersection spacing;
- c. Vertical alignment;
- d. Horizontal alignment;
- e. Geometric design (length, width, bulb radius, etc.);
- f. Design speed;
- g. Crossroads;
- h. Access policy;
- i. A proposed alternative design which will provide a plan superior to these standards; and
- j. All other standards.

C. Procedures.

A modification request shall be classified as administrative or design by the County Engineer.

1. Administrative Modification. Administrative modifications may be requested at any time by filing a written application with the County Engineer. The application shall include sufficient technical analysis to enable a reasoned decision. The County Engineer shall provide a written decision on the application. No fee is applicable to the administrative modification-, except for minor road modification applications under Section 40.550.010.E.

2. Design Modification. Design modifications shall be proposed in conjunction with the application for the underlying development proposal in accordance with Chapter 40.500. Design modification requests shall be processed in conjunction with the underlying development proposal; provided, that where the modification request is filed subsequent to the decision on the development proposal, such request shall be processed in accordance with the post-decision review procedures of Section 40.520.060 and subject to the fees listed in Title 6. The design modification application, to be filed with the responsible official, shall:

- a. Include a written request stating the reasons for the request and the factors which would make approval of the request reasonable;
- b. Be accompanied by a map showing the applicable existing conditions and proposed construction such as contours, wetlands, significant trees, lakes, streams and rivers, utilities, property lines, existing and proposed roads and driveways, existing and projected traffic patterns, and any unusual or unique conditions not generally found in other developments;
- c. In the case of modification requests based upon alleged disproportionality, include an engineering analysis of the standard sought to be modified which contrasts relevant traffic impacts from the development with the cost of complying with the standard; and

d. For crossroad and frontage construction and right-of-way dedication, shall include information indicating whether there are geographic or other factors which render connection/completion of the road unlikely.

D. Infill Road Modifications.

In order to encourage and facilitate infill development, the following road standards may be considered for administrative road modification for residential infill developments pursuant to Section 40.260.110.

1. Partial or full frontage improvements, if consistent with existing or anticipated improvements along neighborhood roadways directly serving and within eight hundred (800) feet of the boundaries of an infill development site. For purposes of this subsection, neighborhood roadways shall mean non-arterial and non-collector roadways; and/or

2. Access spacing, which has been certified by the applicant's traffic engineer to have no identifiable safety hazard.

E. Minor Road Modifications. Administrative and design modifications intended to provide relief, through a Type I process, for development conditions which clearly lack nexus or fail to meet the rough proportionality test. Engineering analysis for these modification requests may not be required. The applicant may request waiver of specific transportation standards by means of a minor road modification under one of the following circumstances:

1. The existing road frontage is not constructed to the current transportation standards but determined to meet operational and safety criteria.

2. Improvements to roads that abut a development site may not be required if the development cannot access the road due to topographic constraints and the development sends no trips through these roads. A traffic study including trip distribution analysis may be required.

3. For residential developments which generate no more than twenty (20) new ADT, the cost of the required improvements per average daily trip generated by the development is shown to be disproportional to the requirements imposed by the county for other approved projects.

4. For frontage improvements along roads abutting small residential developments. If the street block face (including the subject parcel) have no frontage improvements or are unlikely to subdivide, the subject development may not be required to provide full frontage improvements. For purposes of exempting frontage improvements, the predominant condition of the street block face shall be defined by considering the existing frontage condition for all parcels fronting the half-street. If less

1 than fifty percent (50%) of the street block face (including the subject
2 parcel) have frontage improvements or are unlikely to subdivide, the
3 subject development shall not be required to provide full frontage
4 improvements. Where fifty percent (50%) or more have full street frontage
5 improvements, or are likely to subdivide, half-street frontage
6 improvements shall be required.

7 5. Minor road modifications shall not be granted if found to be inconsistent
8 with the requirement to provide safe walking conditions to schools as
9 required by RCW 58.17.110.

10
11 ~~E.~~ F. Road Modification for County Projects.....